

REMARKS

Status of the Application

Claims 43-46 and 52-53 are pending. Claim 52 has been deemed allowable. Claims 47-51 were previously cancelled solely to expedite prosecution of the pending application and without prejudice or disclaimer to the cancelled subject matter. Again, Applicants expressly reserve the right to file one or more continuing applications directed to the cancelled subject matter. Claim 22 was previously withdrawn from consideration, but amended to recite the compounds in now pending Claim 46. Applicants request rejoinder of the method in claim 22 upon allowance of the compounds in claim 46. Applicants respectfully request allowance of the pending claims.

Rejection under 35 U.S.C. § 102(e) - Simoneau

Claims 43-46 and 48-51 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Simoneau *et al* (US 2005/0054639). Applicants respectfully request withdrawal of this rejection. As noted by the Examiner, the present claims differ from Simoneau in several aspects, and further are supported by Applicants' priority documents, which predate Simoneau.

Double Patenting

Claims 43-46 and 48-51 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 55 and 83 of copending Application No. 11/661,079. Without conceding to the appropriateness of this rejection, Applicant will consider submitting a terminal disclaimer once allowable subject matter is indicated.

The provisional obviousness-type double patenting rejection based on co-pending Application No. 12/114,467 has been withdrawn.

CONCLUSION

For at least the foregoing reasons, it is respectfully submitted that the pending claims are in condition for allowance and Applicants respectfully request prompt and favorable action. The Commissioner is authorized to charge any additional fees which may be required, including petition fees, to Deposit Account No. 23-2415 (Attorney Docket No. 18545-720.831).

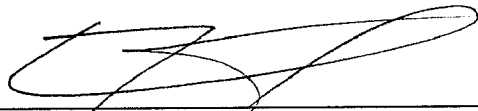
Kindly contact the undersigned attorney at (858) 350-2306 with any questions or to otherwise expedite prosecution.

Respectfully submitted,

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